

From: [MCCLINCY Matt](#)
To: [DeMaria, Eva](#)
Cc: [LIVERMAN Alex](#); [MANZANO Scott](#); [Zhen, Davis](#)
Subject: FW: Brazil final SCD/NFA and DEQ Response to EPA comments
Date: Wednesday, April 06, 2016 8:56:19 AM
Attachments: [Brazil_NFAnSCD_final_Mar_2016_signed.pdf](#)
[DEQ_Response_EPA_Comments_Brazil_NFAnSCD.pdf](#)
[Brazil.msg](#)

Hi Eva,

DEQ considered EPA's comments on the Brazil SCD and integrated clarifications, where warranted. We also produced the attached memo with responses to your comments. It is also understand that EPA's review of the Brazil 104e materials resulted in a determination that the site threat to the river was de minimus. Attached is an email from 2010, for your consideration, that summarizes Kristine's position that Brazil is not a source control concern.

We consider the attached Brazil SCD final. Unless EPA has any significant remaining concerns that will prevent you from issuing a concurrence letter, we request that EPA do so. We request a response as soon as possible to mitigate the delay our discussions about the source control process and subsequent comments and responses have caused the Brazil site in receiving the decision.

We would also like to take this opportunity to clarify and respond to some of your questions/statements in your transmittal email below.

If EPA is in agreement with a draft SCD, EPA can certainly issue a concurrence letter or indicate that they will subject to DEQ changing the title of the memo. As we have discussed, our goal is to be able to work through any issues EPA may have along the way to a decision, so that when we get there, we are already confident of agreement. We hope you agree that there can be scenarios when EPA comments are not necessary.

We appreciate your efforts in identifying EPA review comments that EPA considers important. Responding to EPA review comments takes considerable resources at our end, and we ask that where EPA agrees with the SCD, we not expend limited resources on requests to fill data gaps that won't add value to the decision, but instead rely on the lines-of-evidence and weight-of-evidence evaluation per the JSCS.

To clarify, the City of Portland provided comments not on the SCD/NFA memo, but on the Brazil submitted report proposing that DEQ make a SCD/NFA decision. While we agreed with many of the comments that the report was deficient, we addressed these within the text of the SCD/NFA memo.

Please give me a call if you have any questions.

Matt McClincy

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From: DeMaria, Eva [<mailto:DeMaria.Eva@epa.gov>]

Sent: Tuesday, March 22, 2016 10:10 AM

To: LIVERMAN Alex

Cc: Zhen, Davis; MANZANO Scott; MCCLINCY Matt

Subject: RE: ETA on Brazil SCD concurrence?

Hi Alex-

I just left a vm regarding EPA comments on this draft SCD (which we largely covered in our conference call on the 16th). Again, I think there is some confusion about the process we agreed on. From what I understand, since this was clearly marked as a **draft** SCD/NFA, EPA has the opportunity to provide comments. DEQ is then supposed to address the most important comments in their final SCD. Despite the 5 Tribes concurrence, EPA still has concerns about data gaps and they are itemized

in our comments. The City raised similar (if not more) concerns than EPA and I was wondering how DEQ addresses the City's concerns/comments? Thus, this is not the step in which EPA provides the "concurrence" letter. We would provide it after a final SCD/NFA is issued which hopefully addresses EPA's concerns. In this case, even with the current data gaps, EPA agrees that this site has a low potential for impacts to the river via the direct ground water discharge pathway. I think more clarification on the stormwater pathway is needed to ensure that contaminants are not carried through sheet flow from the site to two nearby storm inlets, one (AMZ-188) of which is located just off the south lot in the direction from which surface water would flow offsite. The other inlet (ANB-502) is located just off the north lot also in the direction of flow offsite.

Please find attached, EPA's comments which we discussed on the 16th. Although I haven't clearly marked sections as "important" and "for consideration", in the interest of time, I'm sending them to you. I would consider the "general comments" important. Thanks.

Eva

From: LIVERMAN Alex [<mailto:liverman.alex@deq.state.or.us>]

Sent: Tuesday, March 22, 2016 8:54 AM

To: DeMaria, Eva <DeMaria.Eva@epa.gov>

Cc: Zhen, Davis <Zhen.Davis@epa.gov>; MANZANO Scott <MANZANO.Scott@deq.state.or.us>; MCCLINCY Matt <MCCLINCY.Matt@deq.state.or.us>

Subject: ETA on Brazil SCD concurrence?

Hi Eva.

Can you please let me know when you will be able to respond to DEQ's proposed SCD memo for the Brazil site? We requested your 30 day review on Jan 29th, 2016. I understand that you postponed responding until we had agreement on the process issues we have been discussing. From our last conversation about it on March 15th, I understood that you would be providing a concurrence letter. I requested that you deliberate further as to whether to note a data gap on soil sampling in the south yard, given that the potential for soil mobilization to the river is not likely.

Because the 5 Tribes had no comments on the proposed SCD, the potential site impacts to the river are very limited, if any, and the site owner is trying to sell the property, it would be very helpful if DEQ could issue the decision and close the project out for the site owner. Thank you for your consideration.

--Alex

L. Alexandra Liverman

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